

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:24-CV-00137-RJC-DCK

CMT USA, Inc. and CMT Utensili S.p.A.,

Plaintiffs,

v.

Apex Tool Group LLC and Apex Brands, Inc.,

Defendants.

**DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS TO SUPPLEMENT
RESPONSES TO DEFENDANTS' FIRST
SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26(b)(1), 33, and 37(a), Defendants Apex Tool Group LLC and Apex Brands, Inc. (collectively, "Apex") hereby move this Court for an Order compelling Plaintiffs CMT USA, Inc. and CMT Utensili S.p.A. (collectively, "CMT") to remedy the deficiencies in their Answers to Apex's First Set of Interrogatories and their Responses to Defendants' First Set of Requests for Production, and provide Apex with the discovery it is entitled to under the Federal Rules. While Apex attempted to resolve these issues directly with CMT, including through the exchange of detailed letters and two separate meet and confer calls (the second being over 80 minutes in length and via videoconference), CMT's continued refusal to properly and timely supplement its responses has made this motion necessary.

There are two issues within this motion: (1) whether CMT can refuse to respond to properly served interrogatories that it claims are "contention interrogatories," and (2) whether CMT can refuse to provide information and documents related to saw blades and other power tool accessories that Apex believes are relevant to its claims and defenses but are not expressly covered by the precise language within CMT's trademark registration.

Because these two issues are so central to discovery in this case, if CMT is ordered to properly supplement its Responses it will need to supplement Interrogatories 1, 2, 4, 6, 10, 11, 12, 15, and 21; and RFP Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, and 35 accordingly.

Dated: June 10, 2024

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Aaron D. Johnson

Michael McCue
Aaron D. Johnson
David A. Jackson
MMcCue@lewisroca.com
ADJohnson@lewisroca.com
DJackson@lewisroca.com
100 Pine Street, Suite 1750
San Francisco, CA 94111
Telephone: 650.391.1380
Facsimile: 650.391.1395

SNEED PLLC
Jason M. Sneed (NC Bar No. 29593)
Megan Sneed (NC Bar No. 38525)
JSneed@SneedLegal.com
MSneed@SneedLegal.com
Litigation@SneedLegal.com

445 South Main Street, Suite 400
Davidson, NC 28036
Tel: 844-763-3347

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2024, I electronically filed the foregoing Defendants' Motion to Compel Plaintiffs to Supplement Responses to Defendants' First Set of Interrogatories with the Clerk of Court using the CM/ECF System. Service of same on any counsel of record will be accomplished through the Court's electronic filing system in accordance with F.R.C.P. 5(b)(2)(E).

/s/ Aaron D. Johnson